

Appln. No. 10/643,511

Amendment dated October 3, 2005

Reply to Office Action of June 3, 2005

AMENDMENTS TO THE DRAWINGS

The attached sheets of drawings include changes to FIGS. 3-7 and FIG. 13. These sheets replaced the original sheets including FIGS. 3-7 and FIG. 13. In each of FIGS. 3-7 and 13, the shading within the text box of each figure has been removed for clarity.

Attachment: Replacements Sheets

Annotated Sheets Showing Changes

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REMARKS

In the specification, paragraph [0033] has been amended to correct a typographical error. The word "being" has been replaced with "beginning" as shown in order for the sentence to be grammatically correct. Applicants therefore respectfully request that the specification be amended as shown.

In the specification, paragraph [0059] has been amended to correct a typographical error. The word "comprises" has been replaced with "comprising" as shown in order for the sentence to be grammatically correct. Applicants therefore respectfully request that the specification be amended as shown.

Figures 3-7 and 13 were objected to by the Examiner as being unclear due to shading in the figures. Replacement sheets are hereby submitted in compliance with 37 CFR 1.121(d). The drawings have been amended to remove the shading from the figures in order to present the figures more clearly.

Claims 1-18 were in the present application. In the present Amendment, Claims 1-11 and 13-18 each have been amended, and Claim 12 has been canceled. In addition, new Claims 19-23 have been added. Accordingly, Claims 1-11 and 13-23 are presently pending in the application, of which Claims 1, 13, 18, and 22 are in independent form.

Claims 16-17 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 18 stands rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Publication No. 2002/0068546 (Plush). Claims 1-18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Plush in view of U.S. Publication No.

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2004/0209595 (Bekanich). Reconsideration of the rejections in view of the amendments and remarks made in this Amendment is respectfully submitted.

Telephonic Interview

Applicant would like to thank the Examiner for the courtesies extended during the telephonic interviews conducted on August 24, 2005 and September 6, 2005. During those interviews, the Examiner stated that the amendments contained herein appeared to distinguish the application over the cited references. The Examiner also stated that a further search might be conducted.

Rejections Under 35 U.S.C. § 112, Second Paragraph

Claims 16-17 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite because of a lack of antecedent basis for certain terms. Previously, Claims 16 and 17 each depended from independent Claim 13, which does not recite "a voice communication system" as an element of the claim. As amended, Claims 16 and 17 each now depend from Claim 15, which depends from Claim 13 and recites "a voice communication system" as an element of the claim. As such, Applicant submits that Claims 16 and 17, as amended, particularly point out and distinctly claim the subject matter that Applicant regards as the invention. Therefore, Applicant respectfully requests withdrawal of the rejections to Claims 16 and 17 under 35 U.S.C. § 112, second paragraph.

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Rejections Under 35 U.S.C. § 102(e)

Claim 18 stands rejected under 35 U.S.C. § 102(e) as being anticipated by Plush.

As best understood by Applicant, Plush describes an apparatus to generate bills for a group of subscribers of mobile communications devices who share a single pre-paid account with a predetermined amount of call usage time allotted. The calls from each subscriber of the group are identified and the timing of each call made is subtracted from the predetermined amount of call usage time allotted. The apparatus comprises data storage means for containing subscriber information that includes, among other things, identification of a billing account to which the subscriber belongs. (See Plush at page 1, ¶¶ 0009-0011 and page 3, ¶ 0055). The apparatus also comprises a data processing means for applying a predetermined charging tariff to a call made by one of the subscribers from the group in order to generate charging data for the call. (See Plush at page 1, ¶¶ 0009-0011). The data processing means also relates respective usage allocation to each group in order to reduce the usage allocation when calls are made or when certain criteria are met and to indicate the amount of predetermined call time left in the pre-paid account. (See Plush at page 1, ¶¶ 0013-0020). Thus, as understood by Applicant, Plush describes relating the timing of telephone calls to a telephone subscriber plan.

Claim 18, as amended, of the present application recites a system for capturing information related to the usage of a wireless handheld device comprising a database system and a wireless handheld device, wherein the database system stores "information related to a plurality of clients and matters." The database system communicates with the wireless handheld device in order to relate the usage of the wireless handheld device to one or more clients and matters. The clients and matters relate "to capturing professional services time

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relating to communication with or on behalf of at least one client." The wireless handheld device is configured for wireless communication and for automatically transmitting the clients and matters and usage of the wireless device to the database system, and is further configured to attribute clients and matters to the captured usage of the wireless device.

As described in the specification of the present application, and as would be understood by one of ordinary skill in the art, client and matter information is a means for attributing costs associated with professional services time in order to generate a bill to a third party, i.e., a client. (See present application, as published, at ¶ 0003 and ¶ 0008.) Typically, many businesses, such as law firms, track costs chargeable to clients by associating a client number with each client and a matter number for each specific matter worked on. Professionals who "bill" their time then provide such client and matter numbers to the accounting department along with the amount of time spent on each matter in order for a bill to be generated for each client. The specification of the present application describes, in accordance with embodiments of the present invention, how a professional may capture his or her professional time using a wireless handheld device specifically configured to capture client and matter information and associate the client and matter information with usage of the wireless device in order to generate bills to a third party client. Thus, as is described in the specification of the present application, as would be understood by one of ordinary skill in the art, the professional services bills to a third party client are separate and distinct from any bills for a telephone subscriber plan.

With respect to Plush, Applicant respectfully submits that Plush does not describe all of the features of amended Claim 18 of the present application. For example, amended claim

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18 recites a system for capturing information related to usage of a wireless handheld device comprising a database system "storing a plurality of clients and matters" wherein the plurality of clients and matters "relates to capturing professional services time relating to communication with or on behalf of at least one client," i.e., the client and matter information is a means for billing a third party client for usage of a wireless handheld device in relation to professional services time spent on behalf of the client. Accordingly, amended Claim 18 describes a wireless handheld device configured to attribute the client and matter information to the usage of the wireless handheld device for generating bills to a third party client.

As discussed above, Plush does not appear to Applicant to teach, suggest or provide motivation to relate usage of a wireless device to professional services time in order to bill a third party. Instead, Plush is understood to revolve around a telephone subscription plan for a group of subscribers and discloses an apparatus to capture call usage time in order to generate a telephone bill for the subscribers. In contrast, Applicant's claimed invention is unrelated to a telephone subscription plan the user of a wireless handheld device may have, but instead, focuses on the usage of the device for capturing business-related charges. Thus, while Plush describes a system that tracks telephone air time to be applied to a telephone subscription plan, Plush does not describe the claimed relating usage to "client and matters" wherein the "plurality of clients and matters relates to capturing professional services time relating to communication with or on behalf of at least one client."

Accordingly, Applicant submits that Plush does not teach, suggest, or provide motivation for the present invention, as set forth in amended Claim 18. Therefore, Applicant

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submits that amended Claim 18 is patentable over Plush, and withdrawal of the rejection to Claim 18 under 35 U.S.C. § 102(e) is respectfully requested.

Rejections Under 35 U.S.C. § 103(a)

Claims 1-18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the hypothetical combination of Plush and Bekanich.

As submitted in this Amendment, amended Claim 18 describes a wireless handheld device configured to attribute client and matter information to the usage of the wireless handheld device for generating bills to a third party client. As described above and as understood by Applicant, Plush describes relating the timing of telephone calls to a telephone subscriber plan. Thus, Plush does not teach, suggest, nor provide motivation for the claimed features of amended independent Claim 18.

Bekanich does not cure the deficiencies of Plush. As understood by the Applicant, Bekanich describes a method and apparatus for monitoring usage of a wireless communication device and displaying the remaining amount of time available to a subscriber of a pre-paid account with a predetermined allotted amount of time, based on the usage of the wireless device. (See Bekanich at page 1, ¶¶ 0011.) Bekanich also describes alerting a subscriber to the fact that usage of the device is close to exceeding the amount of pre-paid usage time. (See Bekanich at page 2, ¶¶ 0016-0020.) The proposed hypothetical combination of Plush and Bekanich does not teach, suggest, nor provide motivation for a system to capture usage of a wireless handheld device in order to relate such usage to one or more client and matter numbers in order to capture professional services time and bill a third party client for such

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services time. Therefore, Applicant respectfully requests the withdrawal of the rejection of Claim 18 under 35 U.S.C. § 103(a).

Applicant submits that neither Plush nor Beganich, either taken alone or in a hypothetical combination proposed by the Examiner, teaches, suggests, or provides motivation for the claimed invention. For example, Claim 1, as amended, recites a method for "capturing information related to usage of a wireless handheld device" and attributing such usage to one or more matter numbers in order to bill professional services expended on behalf of a client to that client. As discussed above, Applicant's claimed invention discloses a method and system for generating bills to third party clients for professional services time spent using wireless communication devices. Such usage of the wireless communication device is separate and distinct from a telephone subscription plan the user of the device may have. As discussed above, both Plush and Beganich are understood to capture usage of a wireless handheld device in order to relate such usage to the subscription plan held by a subscriber or a group of subscribers. Neither Plush nor Beganich is understood to attribute such usage of a wireless device to a specific billing code in order to bill the time and costs associated with such usage to a third party, i.e., a client. Thus, as discussed above, Plush does not describe the features of Applicant's amended Claim 1, and Beganich does not cure the deficiencies of Plush.

Further, amended Claim 1 recites "receiving entry of at least one matter," wherein the matter "relates to capturing professional services time related to communication with or on behalf of at least one client." Neither Plush nor Beganich are understood to receive an entry of any sort from the user of the wireless handheld device. Nor does either Plush or Beganich teach the capture of the usage of the wireless handheld device in order to attribute it to

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business-related charges or professional service charges so that such charges may be billed to a third party client.

Accordingly, Applicant submits that neither Plush nor Bekanich, either taken alone or in the hypothetical combination proposed by the Examiner, teaches, suggests, or provides motivation for the claimed invention of amended Claim 1. Therefore, Applicant submits that amended Claim 1 is patentable over any permissible combination of Plush and Bekanich, and withdrawal of the rejection to Claim 1 under 35 U.S.C. § 103(a) is respectfully requested.

Amended Claims 2-11 each depend from amended Claim 1. Accordingly, Applicant submits that Claims 2-11 are patentable over any permissible combination of Plush and Bekanich, for at least the reasons stated above with respect to the rejection of Claim 1. Therefore, withdrawal of the rejection of Claims 2-11 under 35 U.S.C. § 103(a) is respectfully requested.

Independent Claim 13, as amended, recites, *inter alia*, a "wireless handheld communication device" for capturing usage of the device in order to attribute such usage to a client and/or matter number such that bills may be generated to a client. The elements of the device of amended Claim 13 are similar to the steps comprising the amended Claim 1. For example, amended Claim 13 recites "an input device" to receive entry of call record information by a user wherein the call record information may include a client and/or a matter number or code. Further, the device of amended Claim 13 includes storage to store such call record information and a communications system able to transmit the call record information to a central data processing system. The device of Claim 13 allows a user to capture

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professional services time spent on behalf of a client when using the device in order for such time to be billed to the client.

As discussed above, neither Plush nor Beganich, either alone or in the hypothetical combination proposed by the Examiner, are understood to show or describe these claimed features, but instead, are understood to describe systems that capture usage of a wireless device in order to relate such usage to a user subscription plan (Plush) and to display an amount of usage time remaining available to the user (Beganich).

Accordingly, Applicant submits that amended Claim 13 is patentable over any permissible combination of Plush and Beganich for the reasons stated above, and withdrawal of the rejection to amended Claim 13 under 35 U.S.C. § 103(a) is respectfully requested.

Amended Claims 14-17 each ultimately depend from amended Claim 13. Accordingly, Applicant submits that Claims 14-17 are patentable over any permissible combination of Plush and Beganich, for at least the reasons stated above with respect to the rejection of Claim 13. Therefore, withdrawal of the rejection of Claims 14-17 under 35 U.S.C. § 103(a) is respectfully requested.

In addition, new Claim 19 has been added and depends from amended Claim 13. Accordingly, Applicant submits that Claim 19 is allowable over the cited references. In general, Claim 19 is directed to a display to be used with the systems of Claim 13 as amended, wherein the display allows the user to view the usage timing of the wireless handheld device and client and matter information attributed to such usage. Support for this Claim may be found at, for example, paragraphs [0028] et seq. of the specification of the present application, as published. Accordingly, no new matter is added by this new claim.

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Accordingly, Applicant submits that Claim 19 is patentable over any permissible combination of Plush and Bikanich, for at least the reasons stated above with respect to the rejection of Claim 13.

By this Amendment, Applicant has cancelled Claim 12 without disclaimer or prejudice to pursuing this claim in another application. The subject matter of Claim 12 has been rewritten and presented in new Claims 20-21. As Claim 12 was a dependent claim depending from Claim 1, new Claims 20-21 are dependent claims, ultimately depending from Claim 1. Accordingly, Applicant submits that new Claims 20-21 are patentable over any possible combination of Plush and Bikanich for the reasons discussed above with respect to the rejection of Claim 1.

In general, new Claim 20 recites the step of "storing said captured call record information in a list" in the wireless handheld device and new Claim 21 recites the step of "accessing the list" in order to enter matter information. Support for new Claims 20-21 may be found, for example, at paragraph [0040] of the specification of the present application, as published. Accordingly, no new matter is added by these new claims.

In addition, new Claims 22 and 23 have been added. New Claim 22 is an independent claim and new Claim 23 depends from new Claim 22. Applicant submits that both new Claims 22 and 23 are in allowable form. Support for these claims can be found at, for example, paragraphs [0023] and [0042] of the specification of the present application, as published. Accordingly, no new matter is added by these new claims.

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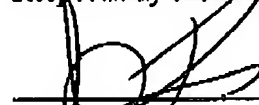
In view of the above remarks, it is respectfully submitted that each of the claims in the present application defines a novel and patentable invention. Reconsideration and an early allowance of the present application is respectfully requested.

CONCLUSION

Applicant's undersigned attorney may be reached by telephone at (973) 597-2500.

All correspondence should continue to be directed to our address listed below.

Respectfully submitted,



James F. Dobrow
Registration No. 46,666
Attorney for Applicant

DOCKET ADMINISTRATOR
LOWENSTEIN SANDLER PC
65 Livingston Avenue
Roseland, NJ 07068

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FIG. 3

Mobile Matters Client Options

Administrative Matter No.

Personal Matter No.

Server Properties

Prompt on outbound? Yes
Forced? No
Prompt on outbound? Yes
Forced? Yes
Prompt call types? Server URL:
Local numbers: Server URL:
Enhanced mode? Yes
Server URL: http://myapp:80/mobilematters

Shading removed

FIG. 4

Matter Number Screen

Create new record for: Outbound Call
Contact: John Smith/604 636 2356
Duration: 00:15:45 h

Client # Matter #

Recent numbers:

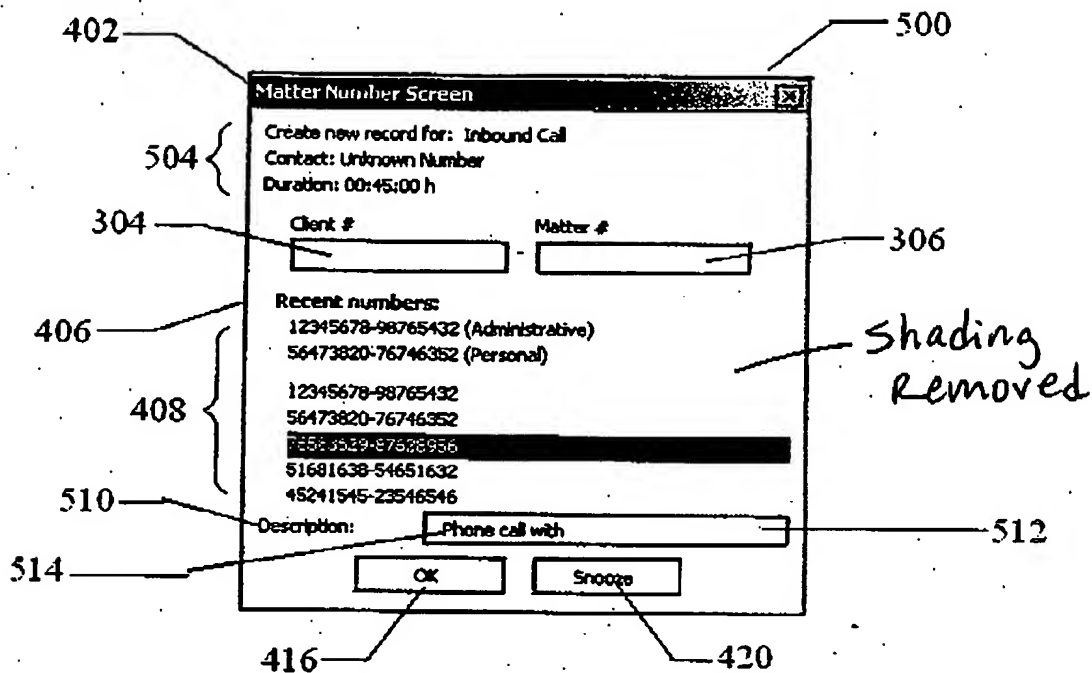
- 12345678-98765432 (Administrative)
- 56473820-76746352 (Personal)
- 12345678-98765432
- 56473820-76746352
- 76592625-87654321

OK Snooze

Shading removed

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FIG. 5

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FIG. 6

Matter Number Screen

Create new record for: Work Time

Contact:

Date: Duration:

Client # Matter #

Recent numbers:

- 12345678-98765432 (Administrative)
- 56473820-76746352 (Personal)
- 12345678-98765432
- 56473820-76746352
- 51681638-54651632
- 45241545-23546546

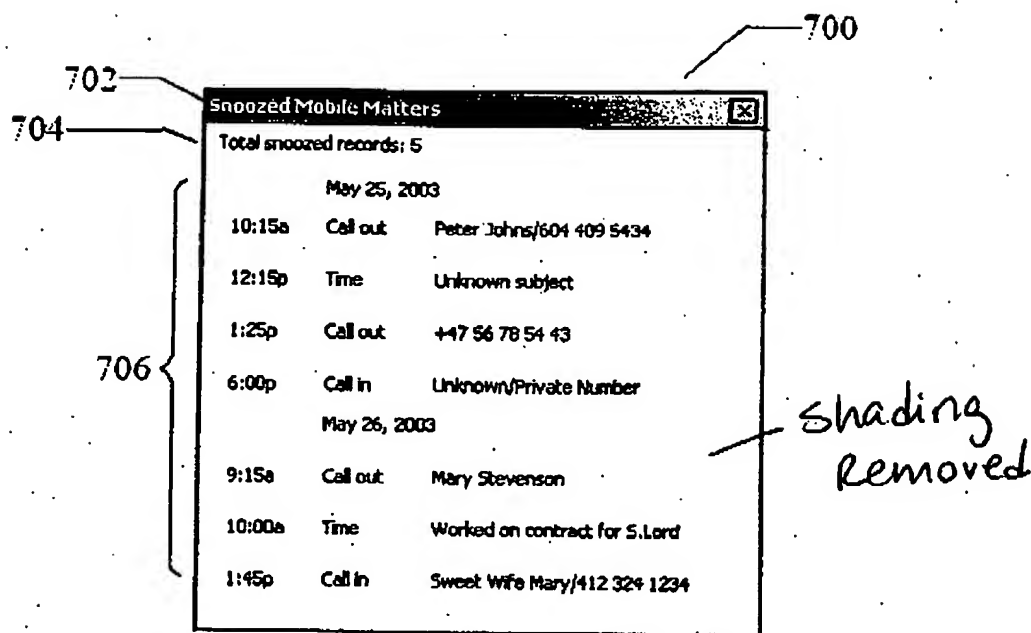
Description:

OK Snooze Dismiss

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FIG. 7



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FIG. 13

1304

1302

1308

1310

1312

1314

1306

1344

1320

1322

1324

1326

1328

1330

1332

1334

1338

1340

1342

1344

Users

Users by roles

System

Group: All users

Users : 4

By first letter: A B C D E F G H I J K L M N O P Q R S T U V W X Y Z

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Pages: 1 2 3 4

Name	PIN	Config Status	Runtime Status	E-mail	Last in contact	Total calls	Total call time	Version	
Arianna Pleat	30155962	Q	?	aa@mobilematters.com	Unknown	0	--	--	Edit Delete
Bruce Pleat	32AA0683	✓	✓	bpleat@mobilematters.com	02:13:11	28	02:08:14	1.01.07	Edit Delete
Joli Groomes	30241139	Q	?	jj@mobilematters.com	12:20:40	15	12:20:12	1.01.06	Edit Delete
Ron Rozensky	3002790F	✗	✓	rrzensky@mobilematters.com	21:54:17	5	00:03:24	1.01.07	Edit Delete

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